

The opinion in support of the decision being entered  
today is not binding precedent of the Board

Filed by: Trial Section Merits Panel  
Mail Stop Interferences  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 703-308-9797  
Fax: 703-305-0942

Paper No. **13**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**OSIRIS THERAPEUTICS, INC**

Junior Party,  
(Patent 6,030,836),

v.

**CASE WESTERN RESERVE UNIVERSITY**

Senior Party,  
(Application 09/321,655).

Patent Interference No. 105,197

**FAXED**

**APR 22 2004**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Before LANE, MEDLEY, and TIERNEY Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT -- NO INTERFERENCE-IN-FACT**

Upon consideration of the record, it is

**ORDERED** that in view of the three-judge merits panel decision (Paper 22) that there is  
no interference-in-fact, final judgment is entered that there is no interference-in-fact between (1)  
Osiris Therapeutics, Inc. claims 1-3, 8, 12 and 13, and (2) Case Western Reserve University  
claims 2-5;



cc (via facsimile):

Counsel for Osiris:

Elliot M. Olstein, Esq.  
CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
5 Becker Farm Road  
Roseland, N.J. 07068

Fax: 973-994-1744

Counsel for CWRU:

Richard S. Wesorick, Esq.  
TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP  
526 Superior Avenue, Suite 1111  
Cleveland, OH 44114-1400

Fax: 216-621-4072